IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 15504 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVIND MILLS LTD - Petitioner(s)

Versus

NARSINHBHAI DHRMABHAI - Respondent(s)

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Appearance :

M/S TRIVEDI & GUPTA for Petitioner(s) : 1,
MR VM DHOTRE for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 06/10/2005

ORAL JUDGMENT

By the order dated 3rd December 2004 this Court had issued notice after recording the statement of the learned counsel for the petitioner that the petition is being pursued not from the monetary aspect of the

directions of the Courts below, but from the point of view of the principle involved and possible fall out of the order passed by the court below on the pending litigation initiated by the respondent workman being T. Application No.136/96. Notice was issued on the condition that the petitioner shall pay to the respondent workman the benefits under the impugned order subject to the final outcome of the petition.

2. It is stated that pursuant to the above order, the petitioner has paid the full benefits to the respondent flowing from the orders under challenge. Learned advocate for the petitioner in fact submitted that the petitioner is pressing the petition primarily with respect to the observations made by the Labour Court in its order dated 30th July 2002 wherein it is stated that to establish that the strike is illegal, the employer has not produced any evidence. It is contended that such an observation would go against the petitioner in the T. Application filed by the respondent.

3. Considering the submissions made, in view of the fact that the respondent has already been paid over the entire amount under the impugned orders, I see no

necessity to entertain the present petition especially in view of the stand of the petitioner, except for clarifying that the above mentioned observations made by the Labour Court in its impugned order would not bind either parties in the proceedings initiated by the respondent and the competent court will decide the application in accordance with law on the basis of available material on record. With these observations, the petition is disposed of. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)